

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ACQUIRERX, LLC,

Plaintiff,

v.

HEALTH CARE CONSOLIDATORS,
LLC, et al.,

Defendants.

Civil Action No. 16-5391 (MAS) (TJB)

MEMORANDUM ORDER

This matter comes before the Court upon Defendant Health Care Consolidators, LLC, et al.’s (“Defendants”) Motion to Dismiss Plaintiff’s Complaint pursuant to Federal Rule of Civil Procedure (“Rule”) 12(b)(6), filed on November 22, 2016. (ECF No. 17.) On December 19, 2016, Plaintiff Acquirerx, LLC (“Plaintiff”) filed a Motion for Leave to File a First Amended Complaint. (ECF No. 21.)

Rule 15(a)(1)(B) provides, in pertinent part, that “[a] party may amend its pleading as a matter of course within . . . 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed. R. Civ. P. 15(a)(1)(B). Plaintiff did not file its First Amended Complaint as a matter of course within the time frame provided by Rule 15(a)(1)(B) because it invoked the automatic Clerk’s extension pursuant to Local Civil Rule 7.1(d). Here, based on the Court’s inherent power to control the disposition of the matters on its docket, the Court finds good cause to permit Plaintiff to file its First Amended Complaint.¹ Accordingly,

¹ The Court does not reach the substance of Defendants’ opposition to Plaintiff’s Motion to File a First Amended Complaint. If Defendants deem it appropriate, they may file a Motion to Dismiss the First Amended Complaint.

IT IS on this 23rd day of February, 2017, **ORDERED** that:

1. By **March 9, 2017**, Plaintiff shall file its First Amended Complaint (in the form and substance reflected in ECF No. 21-4).²
2. Defendants shall answer or otherwise respond to the First Amended Complaint by **March 31, 2017**.



MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE

² As the Amended Complaint shall constitute the operative pleading in this matter, the Clerk's Office shall terminate the Motion to Dismiss. (ECF No. 17.)